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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,301	03/18/2004	Nikhil Jain	030259U2	7810
23696 7590 01/14/2008 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			EXAMINER BHATTACHARYA, SAM	
			ART UNIT	PAPER NUMBER
			2617	
			NOTIFICATION DATE	DELIVERY MODE
			01/14/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

**Application No.**

10/804,301

**Applicant(s)**

JAIN ET AL.

**Examiner**

Sam Bhattacharya

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 7, 12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aisenberg (US Patent Application Publication No. 2004/0116155 A1) in view of Tian et al. (US 2005/0215245) and Nevo et al. (US 6,320,873).

Regarding claims 1, 7, 12 and 17, Aisenberg discloses a general global gateway 82 configured to support communication between a GSM network and a CDMA network to enable a mobile station (MS) 50 subscribed in the GSM network to communicate using the CDMA network, comprising: a database 20 configured to store a number of times the mobile station has accessed the GGG; and a logic unit 83 configured to execute program logic to determine whether a parameter is received from the mobile station, the parameter representing a count of a predetermined event that is a mutually agreed upon event between the GGG and mobile station. See FIG. 11, paragraph [0002], lines 1-9 and paragraph [0046], lines 1-29.

Aisenberg fails to disclose that the GGG is configured to support communication between the GSM network and an unmodified CDMA network to enable the mobile station subscribed in the GSM network to communicate using the CDMA network.

However, in an analogous art, Tian discloses a gateway 304 that supports communication between a GSM network and an unmodified CDMA network so that a mobile station subscribed

to the GSM network can communicate using the CDMA network. See FIG. 3, paragraph 22, lines 1-13 and paragraph 23, lines 1-9. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile system of Aisenberg by incorporating the above-cited features in Tian so that the mobile station can continue communications when only the CDMA network is available.

The combination of Aisenberg and Tian fails to disclose that when the mobile station is a CDMA mobile station with a subscription in the GSM network, during registration of the mobile station the GGG acts as an authentication controller in the CDMA network but authenticates the mobile station using a GSM authentication mechanism.

However, in an analogous art, Nevo discloses a system and method for providing authentication of a mobile terminal in a hybrid network where when the mobile station is a CDMA mobile station 106 with a subscription in the GSM network, during registration of the mobile station a GGG 54 acts as an authentication controller in the CDMA network but authenticates the mobile station using a GSM authentication mechanism. See FIG. 1 and col 3, lines 37-55. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile system of Aisenberg and Tian by incorporating these features taught in Nevo for the purpose of ensuring that authenticating information derived in the CDMA network is usable in the GSM network, and vice versa.

Regarding claim 2, Aisenberg discloses that the count represents the number of times the mobile station has accessed the GGG, equal to the stored number of times the mobile station has accessed the GGG. See paragraph [0046], lines 14-23.

3. Claims 3, 6, 8, 11, 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aisenberg in view of Tian et al. and Nevo et al., and further in view of Raffel et al. (US 5,675,629).

Regarding claims 3, 8 and 13, the combination of Aisenberg, Tian and Nevo fails to disclose determining whether a registration notification from the mobile station was received before a timer expires.

However, Raffel et al. discloses a mobile registration system in which a control mechanism determines whether a registration notification from the mobile station was received before a timer expires. See col. 27, lines 18-27. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile system of Aisenberg, Tian and Nevo by relating a registration notification to a timer, as taught by Raffel et al., to decide whether to continue with other processes in the mobile system.

Regarding claims 6, 11 and 16, the combination of Aisenberg and Tian fails to disclose a location register configured to store a location of the mobile station to enable a call incoming to the mobile station from the GSM network to route the incoming call to the mobile station through the GGG.

However, Raffel et al. disclose a mobile system in which a location register performs storing of mobile location and routes incoming calls to the mobile network through a gateway. See col. 35, lines 24-37. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile system of Aisenberg and Tian by including a location register, as taught by Raffel et al., so that mobile locations can be properly tracked as mobiles move from network to network.

4. Claims 4, 9, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aisenberg in view of Tian et al. and Nevo et al., and further in view of Saito et al. (US Patent Application Publication No. 2001/0044295 A1).

Regarding claims 4, 9, 14 and 18, the combination of Aisenberg, Tian and Nevo fails to disclose a timer that is used by the GGG to determine a period of time in which the mobile station is authorized to communicate with the GSM network.

However, Saito discloses a mobile system in which a timer is used to determine a period of time in which the mobile station is authorized to communicate with the network. See paragraph [0074]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile system of Aisenberg, Tian and Nevo by relating an authentication to a timer, as taught by Saito, to increase the chances of warding off unauthorized accesses to the system.

5. Claims 5, 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aisenberg in view of Tian and Nevo et al., and further in view of Hartmaier (US Patent Application Publication 2004/0137899 A1).

Regarding claims 5, 10 and 15, the combination of Aisenberg, Tian and Nevo fails to disclose a short message service center (SMSC) configured to send and receive SMS messages to and from the CDMA network.

However, Hartmaier discloses a mobile system in which disclose a short message service center that sends and receives SMS messages to and from CDMA network 240. See FIG. 2 and

paragraph [0025]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile system of Aisenberg, Tian and Nevo by including a short message service center, as taught by Hartmaier, so that short messages in addition to voice calls can be communicated over networks having different protocols.

### ***Response to Arguments***

6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Regarding claim 2, Aisenberg discloses that the information contained on the memory module 20 may be such as to allow a user to make one or a limited number of calls or accesses to a mobile network 83 managed by a remote access server 84, with or without the need to use their existing carrier minutes. Moreover, this one or limited number of calls can be made for normal telephony to a remote telephone 50' as a pre-paid calling feature, and/or may be used as an automatic dial up of an access telephone number, such as to the internet 85 a remote SMS center and/or access gateway 82, whereby certain content and other information is downloaded to the telephone and/or the memory module 20. As a result, the content on the memory module 20 can always remain current. See FIG. 11 and paragraph 46, lines 22-36. Accordingly, Aisenberg discloses a count that represents the number of times the mobile station has accessed the gateway, equal to the stored number of times the mobile station has accessed the gateway.

*Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917. The examiner can normally be reached on Weekdays, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

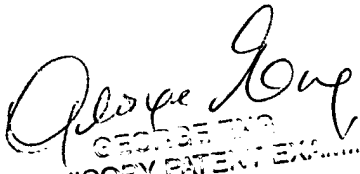


Application/Control Number:  
10/804,301  
Art Unit: 2617

Page 8

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sb

  
GEORGE LOU  
SUPERVISORY PATENT EXAMINER